

## MEETING #30– September 12

At a Regular Meeting of the Madison County Board of Supervisors on September 12, 2017 at 4:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman  
Jonathon Weakley, Vice-Chairman  
Robert Campbell, Member  
Kevin McGhee, Member  
Charlotte Hoffman, Member  
Jack Hobbs, County Administrator  
V. R. Shackelford, County Attorney  
Mary Jane Costello, Asst. County Administrator/Finance Director  
Jacqueline S. Frye, Deputy Clerk

### Call to Order

#### *Pledge of Allegiance & Moment of Silence*

#### 1. Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson advised that all members are present; a quorum was established. All members are present.

Chairman Jackson advised of the following additions to today's Agenda:

#### 9. New Business

*Item 9b: Letter Protesting March (through Madison County)*

*Item 9c: Share Shack (Photos)- Supervisor Weakley*

#### 10. Old Business:

*Item 10d Weekend Auction Business in Brightwood (Supervisor Campbell)*

Supervisor Weakley moved that the Board approve the Agenda as amended, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

#### 2. Public Comment:

Chairman Jackson opened the floor for public comment.

The following citizen(s) provided comments:

- ✓ Joe May: Requested that VDOT representative provide input on the condition of Whippoorwill Road (water draining from Stagecoach Lane); also requested VDOT input on roads in Malvern (i.e. whether they're up to state code and whether the roads can be incorporated into the state system); noted that shoulders aren't in place (on Whippoorwill Road) – suggested some ditching be done; water draining from the Entrance to Shenandoah Campgrounds; Questioned whether Malvern Roads are up to state code and if not, what it would be required (by VDOT) to get the roads up to required standards.

Joel DeNunzio, VDOT, was present and advised that:

- ✚ Grading was done on Whippoorwill about 2.5 months ago
- ✚ The road washes out frequently (i.e. difficult to keep gravel in place)
- ✚ A landowner recently relinquished some right-of-way on his property
- ✚ VDOT will assess what can be done in regards to ditching to improve the current issue
- ✚ Roadway was assessed during the six- year plan improvement discussion and was added
- ✚ Questioned if today's request will be for the road to be hard surfaced

After discussion, Chairman Jackson suggested that Mr. May and Mr. DeNunzio meet to discuss what type of solution can be attained in order to improve the condition of Whippoorwill Road.

#### **Malvern Subdivision**

Mr. DeNunzio advised that the roadways in Malvern would need to be included in the rural addition program which doesn't necessarily require a fifty-foot right-of-way, but a forty-foot right-of-way. He further explained that the rural additional program calls for right-of-way dedication outside of the prescriptive easement. It was also noted that information is available on this program. In closing, he noted that information on this particular program will be emailed to advise of the requirements.

With no further comments being brought forth, Chairman Jackson closed the public comment opportunity.

### **3. Constitutional Officers**

**a. Circuit Court Clerk:** Leeta Louk, of the Circuit Court was present and advised that the photo of Judge McMullan has been transferred to the Madison Historical Society; her office has also been awarded a grant from the Virginia State Library totaling \$12,458.00 to cover costs to restore more books.

Sheriff's Office: Erik Weaver, Sheriff, was present and verbalized concerns pertaining to the traffic light at the high school and the fact that law enforcement is now unable to tap into the pixel memory box to control the light for special events.

Mr. DeNunzio advised that local law enforcement will need to manually control traffic, as VDOT no longer utilizes pixels to control traffic within the State of Virginia.

#### **Comments:**

Supervisor Weakley: Questioned if today's information should be shared with County fire and rescue personnel

Chairman Jackson: Provided accolades (after listening to radio airway communications) to the E911 dispatchers and County public safety officers for the level of professionalism they demonstrate in providing service to the citizens of Madison County

### **4. County Departments**

#### **Madison County School Board:**

Bob Chappell (MCSB): Reported that Cathy Jones, Asst. Superintendent, was present at the recent school board meeting to report that changes to SOL testing; accreditation report will be provided to the school Superintendent tomorrow; noted that an improvement will be initiated in the accreditation ratings at Waverly Yowell Elementary School and the Madison Primary School based upon improved reading schools (i.e. reading specialist will be put back in place).

### **Economic Development**

Tracey Williams Gardner (Economic Development Director) was present and advised of the following highlights:

- ✓ Taste of the Mountains Festival fair well (despite the rain)
- ✓ Welcomed Jack Hobbs as the County Administrator
- ✓ Governor's Summit scheduled for Sept 25-26

Chairman Jackson welcomed Jack Hobbs as the new County Administrator for Madison County.

### **5. Committee/Organization**

**a. VDOT – Joel DeNunzio, Residency Administrator:** Joel DeNunzio, was present and provided highlights as follows:

- 🚦 Rt. 29 -Shelby Road J-Turn: Geometry revisions were initiated; VDOT is looking to schedule work later in the fall; project size was reduced to accommodate budgetary funding; property owners will also be asked if they'd be willing to donate some right-of-way access
- 🚦 Route 230 Conway River Bridge Replacement: Project contract has a fixed completion date of November 20, 2017
- 🚦 Route 230 Rapidan River Bridge Repair: Project has an estimated completion date of December 22, 2017
- 🚦 Road Projects:



Route 697 (Booton's Lane – Rural Rustic): State forces construction has begun; completion will be in the spring/summer of 2018

Route 675 (Fletcher Road – Rural Rustic): State forces will begin work in the fall of 2017

Traffic study underway for:

Madison County High School circulation

VDOT has had success in Crozet after coordinating traffic signals and working with the school system to redo traffic patterns at the school property; techniques reduced traffic hazards – anticipates these type of results can be seen in Madison

Maintenance Activities:

- Culvers replaced on three (3) secondary routes
- Debris removed from two (2) secondary routes
- Machining on thirteen (13) NHS secondary routes
- Mowing operations on two (2) primary routes and forty-two (42) secondary routes
- Patching performed on five (5) secondary routes
- Shoulder repairs on two (2) secondary routes
- Trimming performed on one (1) primary route and three (3) secondary routes

In closing, he advised that VDOT plans to form entire support teams to prepare for possible deployment to Florida to provide assistance because of the recent hurricane activity.

Comments:

- *Supervisor Weakley: Requests pertained to: a) tree trimming (Great Road out to Wilderness Road and then out to Ridge Road); b) the light at Fairground Road (turning east from Rt. 29 S to make a left onto Rt. 29) – timing of the light appears to be off again; and c) what a possible turning lane would look like (i.e. radius extension) at the end of Mountaineer Lane onto Fairground Road (when existing the high school/middle school heading toward Fairground Road)*
- ✓ Brian Daniel, Commissioner, was present and noted that there are also issues with the location off Fairground Road entering into the Madison Primary School property.
- ✓ Erik Weaver, Sheriff, was present and advised that once a vehicle crosses the white line (at the sign) the vehicle isn't being picked up by the sensor. He further suggested that either the sign be moved back a foot prior to the white line (at the light) which may allow the sensor to pick up that a vehicle is in place.

Mr. DeNunzio advised that the light (at the area in question) has been adjusted several times.

- *Supervisor Campbell: Questioned whether tree trimming is done by the Madison VDOT office*

Mr. DeNunzio noted that trimming is done by the residency offices within the corridor; trimming will also be done at Booton's Lane, along with some ditching now that the project will soon be underway.

## 6. Finance

### *a. Claims for August 2017:*

\$44,872.49 (9'8'17)

\$18,545.86 (9'15'17)

\$63,418.35

**Highlights:**

**\$6,000.00 (Verizon)**

**\$9,000.00 (REC)**

**\$6,579.00 (1st payment on the Black & Veatch contract [radio feasibility study])**

**Last installment paid on Riddleberger Bros., Inc. - contract for the courthouse; this contract has now expired**

Supervisor Campbell moved that the Board approve claims for September totaling \$63,418.35 as presented, seconded by Supervisor Weakley. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**b. Supplemental Appropriation(s)**

**i. Madison Animal Shelter (Unspent Animal Donations from FY2017 Balance [#04\_09122017]):** The Finance Director advised that today's request is for animal donation funds from FY2017; no funds were appropriated and are now being requested in the amount of \$5,000.00.

Greg Cave, ACO/Shelter Manager, was present and advised that today's request is the same that has been presented during the past few years; funding being requested will be utilized as follows:

- \$3,000.00 (Animal spay/neuter)
- \$1,000.00 (Rescue/transport)
- \$1,000.00 (Outstanding emergency veterinary bills)
- \$1,000.00 (Miscellaneous items for the shelter)
- \$5,000.00 (Total amount of request)

In closing, it was noted that these animal donation funds can only be utilized by the Madison County Animal Shelter.

Supervisor Weakley moved that the Board approve Supplemental appropriation request #04-09122017 totaling \$5,000.00 as presented, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

Accolades were provided to the shelter for their success in adopting all of the pets during the recent street festival. Accolades were also provided to Shannon Jones, shelter volunteer, for her many contributions to the local shelter. It was also reported that the shelter received \$800.00+ in donations at the street festival event.

**7. Minutes:**

**a. #28 & #29**

Chairman Jackson called for corrections and/or approval of Minutes #28 & #29.

#28: Supervisor Hoffman moved that the Board approve Minutes #28, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman.*

#29: Supervisor Campbell moved that the Board approve Minutes #29, seconded by Supervisor Weakley. *Ayes: Jackson, Weakley, Campbell. Abstain: McGhee, Hoffman. Nays: (0).*

**9. New Business**

**a. County Reassessment Process – County Administrator:** The County Administrator advised that today's report is preliminary and is noted (as instructed by the former Administrator) that the County will need to hire a mass real estate assessment company to perform the reassessment work for the Commissioner's office. A complete report isn't yet in place. It was noted that the Assistant County Administrator and Commissioner have been asked to provide assistance with the reassessment process. It was also noted that the state requires the County to perform a reassessment every six (6) years which will spread the County's tax base among real estate tax payments. This work must be complete by January 1, 2019 – the County is slightly behind in getting the process underway. He suggested the County perhaps investigate cooperative procurement with other communities that are doing a reassessment which will decrease a few months off the reassessment time frame. In closing, he noted that there are only about three (3) vendors in Virginia that perform this type of work, and urged the Board to appoint 1-2 members to work with County staff on the reassessment process, and begin work next week. The Board will be kept abreast of the process as everything unfolds. The cost for the process will cost about \$200,000.00 for the work.

After discussion, it was the consensus of the Board to appoint Supervisor Hoffman and Supervisor Campbell to work with key County personnel on today's matter.

**Comments:**

- *Supervisor Campbell: Referred to the 2008 reassessment process, the devaluation of land (in 2012), and suggested that the County make the value of land in the Land Use Program equal to the value of all regular land values during the reassessment process.*

**b. Letter to Protest Recent Protest March (through Madison County):** Supervisor Campbell verbalized concerns regarding the recent protest march along Route 29; VDOT and law enforcement personnel are paid with tax dollars; the County didn't incur any costs as a result of the event.

A draft letter was presented by the County Attorney for review by the Board, which brought forth the following comments:

- *Supervisor Campbell: Verbalized disfavor of having the County Administrator sign a letter written by the County Attorney*
- *Chairman Jackson: Verbalized disfavor of protestors; the draft letter was read as follows for the public:*

*"The Madison County Board of Supervisors is concerned about the disruption that might be caused by demonstrations or protest marches in and along the public highways in Madison County. Such disruption is a safety hazard to persons who use the public highways for lawful travel. In addition, such demonstrations or protest marches require unanticipated expenditure of local resources and manpower.*

*Please advise about current Commonwealth of Virginia and Virginia State Police procedures to address this issue."*

- *Supervisor Hoffman: Verbalized acceptance of the letter (as written by the County Attorney); noted no issues with the County Administrator signing he felt it was appropriate*
- *Supervisor Weakley: Feels that the letter should state 'by all demonstrators and protest marchers'; verbalized no issues with the letter (as written by the County Attorney); questioned if the County Administrator had any concerns*
- *Supervisor McGhee: Noted no issues with the letter (being written by the County Attorney and signed by the County Administrator)*

In closing, Chairman Jackson noted that his interest is in Madison County only

The County Attorney advised that the Board requested a draft letter without providing much guidance; he also noted that the draft was compiled as requested, and is being presented for Board discussion. In closing, he advised support of the wording contained in the document and feels this is what he was directed (by the Board) to accomplish.

Supervisor Hoffman moved that the Board approve the letter with the addition of a line that 'asks who authorized the event, seconded by Supervisor Weakley. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0)*

The County Attorney advised that the request is for a permit for a specific instance, and noted that the County will need to identify the date of the incident.

The Assistant County Administrator/Finance Director, was present and advised that the entity hosting the march published a signed copy of the permit which was signed by the head of VDOT.

**c. Share Shack:** Supervisor Weakley advised that citizens have been depositing chemicals and unacceptable debris in the Share Shack as a means of avoiding being charged for dumping items; noted that the Share Shack is manned by volunteers; referred to a past chemical spill (on the floor of the covered depository area); suggested the County encourage Waste Management, Inc., to have staff screen all vehicles instead of 'waving folks by'; feels that this type of negligence will discourage volunteers that assist with recycling at the Share Shack

- *Supervisor Campbell: Feels that it's appalling for anyone to deposit items at the Share Shack in order to avoid paying depository fees; suggested anyone caught should be prosecuted*
- *Chairman Jackson: Asked the citizens to help keep the Share Shack looking better*

After discussion, the County Administrator was asked to discuss today's concerns with Waste Management, Inc. staff, and suggest that all vehicles with debris be screened when entering the facility.

Chairman Jackson referred to an email (that he received) that asked if a petition was circulating within the County; he noted that (in his opinion) Madison County is an exceedingly pleasant community.

## 10. Old Business

**a. Update on Madison County Electoral Board – Letter of Correspondence (to the State):** Chairman Jackson advised that the County's equipment has been decertified by the State of Virginia

Beth Eddins of the Madison Electoral Board was present to advised that if an election were held tomorrow, Madison wouldn't be able to participate and the election results wouldn't count. She noted that the electoral board has reviewed several machines and likes the "Hart Interactive" system. The only other option the County has is to move forward with the paper ballot process, which the State of Virginia can always refuse to accept or certify. In closing, she advised that a decision will need to be made immediately in order to:

- ✚ Allow the vendor time to get the equipment shipped
- ✚ Allow for training of election personnel
- ✚ Paper ballots may be ordered, but there is no guarantee that this form of casting votes will be accepted by the State

Comments from the Board:

- *Chairman Jackson: Noted that the County is the funding mechanism; questioned the preference of the electoral board; also questioned if the electoral board wished to utilize the three (3) or five (5) year option; county had budgeted \$50,000.00 thus far – an additional \$75,000.00+ will be needed to fund the proposed equipment purchase; feels that the State wants the locality to purchase the proposed equipment*

Ms. Eddins advised that the electoral board has discussed buying the equipment as opposed to leasing them, and advised that utilizing the old equipment will cause the County's election process not to be certified by the State.

And feels that:

- ✚ The equipment will need to be replaced within five (5) years
- ✚ A discount of \$24,000.00 be offered to the County
- ✚ The State isn't demanding that the County purchase the equipment, but will de-certified the voting results if the old equipment is used
- *Supervisor Campbell: Noted that the State's request is being presented very close to the November 2017 election process (i.e. poor timing); also feels those who have decertified the County's existing equipment is the vendor proposing to sell the new equipment*

The Finance Director questioned if there is any additional cash outlay required; suggested the Board move forward with option #3.

Additional concerns were verbalized as to whether the State could reject a paper ballot vote for the County, to which the County Attorney noted that the State will need to provide a definitive answer.

Diana Eanes, Registrar, noted that the absentee voting process will begin on Friday, 9/22/17.

In closing, Ms. Eddins stressed the fact that a decision needs to be made by the County.

The County Attorney questioned if the proposed contract was pursuant to the public procurement act, and stressed the fact that the County must follow the procurement rules. In closing he noted having difficulty interpreting pricing provided with the following options:

*Estimated Lease Payment Dates (Assume Deal Executed 9/1/17)*

1st payment	9/1/18	\$27,532.33
2nd payment	9/1/19	\$27,532.33

3rd payment	9/1/20	\$27,532.33
4th payment	9/1/21	\$27,532.33
5th payment	9/1/22	\$27,532.33

#### 3-year Leasing Option:

Lessee: Madison County, VA  
 Lease Structure: Three (3) annual lease payments in arrears with purchase option  
 Equipment Lease Amount: \$126,126.00  
 Interest Rate: 2.895%

#### Estimated Lease Payment Dates (Assume Deal Executed 9/1/17)

1st payment	9/1/18	\$44,499.39
2nd payment	9/1/19	\$44,499.39
3rd payment	9/1/20	\$44,499.39

In closing, he advised that the proposal doesn't denote what the cost is to purchase the equipment at the end of the five-year period; he also questioned why the figure for the three-year lease is the same as the five-year lease. In closing, he noted that the contract purchase option price isn't noted at the end of the lease term. In closing, he noted that usually when a purchase is done 'out right', the cost is less than what would be paid if a lease is initiated.

Ms. Eddins advised that she doesn't feel the County will use the machines for more than five (5) years.

Supervisor Campbell moved that the Board put up \$27,000.00 year for five years (machines will then belong to the County and probably obsolete), seconded by Supervisor Weakley.

#### Discussion:

The Finance Director advised that sometimes purchase options don't require any additional cash outlay; suggested the County be advised of this factor.

- Supervisor Campbell: Suggested the County research whether the new equipment purchase is in line with the procurement process
- Chairman Jackson: Noted concerns regarding the proposed contract, procurement matters; feels there are many questions to be researched; suggested the Board authorize review of the lease agreement to the County Administrator, County Attorney, Finance Director and the Madison County Electoral Board, and agree on a payable amount

In closing, it was clarified that the County doesn't have many options regarding today's proposal.

- Supervisor Weakley: Questioned how today's action can be clarified as being contingent upon specific guidelines

The County Administrator advised that (in his opinion), the County is tending toward the five-year payment option; suggested the motion include:

"Contingent upon this quote being in compliance with the procurement laws, and contingent upon the fact that there is no additional purchase price due at the end of the lease term."

After discussion, Supervisor Campbell amended his motion to state that "the Board approve today's quote contingent upon this quote being in compliance with the procurement laws, and contingent upon the fact that there is no additional purchase price due at the end of the lease term", seconded by Supervisor Weakley.

The County Attorney also advised (for the public) that the aforementioned discussion is being verbalized so the public will understand that:

- ✓ If the County goes with the five-year lease payment (in arrears), the first payment isn't due until 9/1/2018
- ✓ The 2018 Budget already contains sufficient funding for that calendar year (payment will be due under next year's budget)
- ✓ Advised that if a local government enters into a contract that goes longer than one (1) year, a provision must be included that the payment request is 'subject to annual appropriations of the Board'

*Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**Prior to moving to Item 8 - Public Hearing Sessions, Chairman Jackson called for a five (5) minute break.**

Chairman Jackson reconvened the meeting and moved to the public hearing sessions.

### 5:00 p.m. (or shortly thereafter)

**8. Public Hearing Sessions:** Chairman Jackson advised of the process by which the public hearing sessions would be carried out.

**a. Repeal Ordinance #2017 [Repeal Ordinance #2010-1] To Designate the Private Roads Within Malvern of Madison as Highways for Law Enforcement Purposes:** The County Attorney provided an overview of the adopted ordinance, its purpose, and advised that concerns have been brought forth from the Sheriff and Board of Supervisors concerning the designation of private roads (in Malvern Subdivision) for law enforcement purposes. In closing, he noted that in order to repeal said ordinance, the County must present an additional ordinance in order to repeal the existing ordinance. Today's proposed ordinance was read as follows:

*"WHEREAS, on March 9, 2010 the Madison County Board of Supervisors adopted Ordinance No. 2010-1, a copy of which is attached hereto as Exhibit A; and*

*WHEREAS, the Madison County Board of Supervisors determines that repeal of said Ordinance would be in the best interest of Madison County, Virginia.*

*NOW, THEREFORE, BE IT ORDAINED by the Madison County Board of Supervisors that Ordinance No. 2010-1 to Designate the Private Roads within Malvern of Madison Subdivision as Highways for Law-Enforcement Purposes is hereby repealed as of this date."*

Chairman Jackson advised that the public hearing session will be opened. Anyone wishing to speak was asked to limit comments to three (3) minutes and must be directed to the Board of Supervisors.

#### Public Comment:

- ✚ Jerald Mount (President of the Malvern Club): Comments focused on concerns regarding speeders and stop sign runners in Malvern; the Board hasn't come to the County to make any demands, but some residents have; suggested the ordinance remain in place to allow local law enforcement to respond to traffic incidents on Malvern roads; residents in Malvern would like to be afforded the same rights as the rest of the County has
- ✚ Susan Korfanty: Noted that Malvern had to comply certain regulations in order to qualify to have law enforcement; lack of law enforcement will allow traffic offenders to do whatever they want; the subdivision had a private security guard in place at one time; noted that the Sheriff was patrolling the subdivision, but wouldn't approve Malvern's desire to have private security in place; feels that the Sheriff has demonstrated ineffective techniques regarding enforcing traffic laws in Malvern
- ✚ Eleanor Montgomery: Noted that the Circuit Court Judge turned down the request for a private security guard in Malvern Subdivision and not the local Sheriff
- ✚ John Shandy: Feels that the Circuit Court Judge's refusal to allow Malvern to have private security serves as a reinforcement the need not to do this (rescind the ordinance); feels that people will slow down if they know that law enforcement will continue to be in place in Malvern; noted that the Board of supervisors has a duty to protect the health and safety of the residents of Malvern; feels there is no rational basis to rescind the ordinance other than some folks dislike the idea they will be ticketed for driving too fast
- ✚ Karen Pilkerton: Advised that most of the traffic offenders on her road in Malvern are UPS drivers and the trash trucks; supports repeal of Ordinance #2010-1 based on the following facts:  
 The subdivision plat contains easements for the roads over private residential lots  
 In accordance with the Deed of dedication of Malvern Club, Inc., owners of record pay yearly assessments to maintain the roads and are entitled to use of the roads  
 As a private community, use of the property is restricted to property owners, residents and their invited guests, (similar to a family subdivision)  
 Votes to support the approved ordinance was taken from twenty-six percent (26%) of the total residents  
 Code of Virginia requires that two thirds percentage of the subdivision lots be taken in order to restrict access (i.e. 75% or more)  
 Malvern is a private neighborhood

Opening the roads for traffic control will require the residents to refrain from installing a gate, exclude solicitors or prosecute trespassers, and will allow Malvern roads to be used by the entire public

Additional comments from the public

- ✚ John Shandy: Note that in any organizational setting, the majority of Malvern's residents present is what counts vs. the vast majority; feels the decision made by the Malvern Board was based on merit; urged the County to base today's decision on the safety, health and welfare of the citizens (of Malvern)
- ✚ Jerald Mount: Noted that security personnel did undergo state certification and was cited as being allowed to carry a weapon and issue citations; noted there was a large board meeting held (in Malvern), and the membership decided that the security personnel wasn't really needed based on what they perceived as to what's going on, and services were no longer rendered; noted that no activity is monitored at the lake, pool, roads, and no guard or gate is currently in place in Malvern; the subdivision doesn't have the capability to keep people out regardless if the subdivision is considered private or not, and has to rely on County aide to provide assistance; the Malvern Board is definitely against rescinding the existing ordinance

With no further comments being brought forth, Chairman Jackson closed the public comment period of the public hearing.

#### Comments from the Board:

- *Supervisor Campbell: Advised that action taken by an HOA is based on whomever is present at the meeting and that two thirds of the majority vote is necessary, which is often very difficult to attain; other local HOA's don't have law enforcement in the subdivision; local and state law enforcement have no jurisdiction in private subdivisions; verbalized opposition to supplementing the request (by Malvern Subdivision for local law enforcement; also verbalized opposition to leaving Ordinance #2010-1 in place*
- *Supervisor McGhee: Questioned whether Malvern Subdivision is the only subdivision that the County patrols; also questioned the number of homes in the subdivision; questioned whether the County controls whether Malvern can have a gate in place*
- ✚ Jerald Mount: Advised that Malvern only has one entrance, and there is no 'thru traffic route running through Malvern; those who enter in egress are residents and/or visits
- *Supervisor Hoffman: Advised that (in her opinion) the Sheriff doesn't have the manpower to patrol the private roads in Malvern on the basis that some residents in the subdivision desire this to be done; advised that there are very few localities that have local law enforcement patrol private subdivisions; noted that Malvern is the only private subdivision that has had law enforcement patrol the subdivision; doesn't feel the ordinance should ever have been passed, as this requires the Sheriff to provide enforcement in a private subdivision; verbalized disapproval of enforcing the existing ordinance*
- ✚ Susan Korfanty: Noted that the Sheriff has been providing law enforcement in Malvern several times; feels the department does have the manpower; residents are only asking to be treated like the rest of the citizens
- *Supervisor Weakley: Expressed uncertainty to his stance on tonight's issue; feels that both sides have concerns and understands the protection being asked of law enforcement; concerned that other local HOA's do not have law enforcement in place.*
- *Supervisor Hoffman: Noted that if Malvern would like law enforcement in place, the subdivision could turn the private roads over to the State; also noted there are other HOA roads that conform to state requirements*
- *Supervisor Campbell: Noted that if a subdivision has three (3) homes in place, the state has taken the roads over into the state system – also concurred that VDOT doesn't have the means to take in additional roads at this time; feels there is about eight miles (8) of roadway in Malvern*
- ✚ Jerald Mount: Advised that when the original ordinance was passed, VDOT passed a resolution that the State would accept no more roads in HOA's partly because of the downturn in 2008; requirements would call for revamping of signage in the subdivision, which was done, as well as attained approval from a state engineer; the roads in Malvern aren't as wide as State roads and there is no way this can be accomplished; Malvern met all requirements in order to present a case before the State, but had to have over 100 sites (at that time); Malvern currently has 234 lots and 200 home sites in place; noted that most HOA's don't meet the state requirements.

🚩 Fred Ward: Asked if the Sheriff will still respond to incidents in Malvern if the existing ordinance is repealed

Erik Weaver, Sheriff, was present and advised that local law enforcement would still respond to issues in Malvern if tonight's ordinance is repealed by the County.

Clarissa Berry, Commonwealth Attorney, was present and explained that repealing tonight's ordinance will eliminate any reckless driving charges being enforced (in Malvern).

- *Chairman Jackson: Verbalized an understanding of the concerns being brought forth by the residents of Malvern; liability is now more on the County because of law enforcement in the private subdivision; feels that based on tonight's hearing, it does appear that Malvern residents are asking for more than what's being providing to other citizens; request for law enforcement has become a burden to the Sheriff and has brought forth concerns from County officials; noted that other local HOA's don't have this type of service*

Supervisor Campbell moved that the Board adopt Ordinance #2017-2 [To Repeal Ordinance #2010-1 To Designate the Private Roads Within Malvern of Madison Subdivision as Highways for Law Enforcement Purposes], seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

***b. Lease Agreement Between the Board of Supervisors of Madison County, Virginia and the Madison County Historical Society:*** *The County Attorney advised that the Madison County Historical Society has requested to propose the use of the old residence on the Criglersville Elementary School property (formerly rented by Eddie Dean); a meeting between the County Administrator, County Attorney, and Max Lacy, President of the MCHS was held to discuss formulating a lease, which is being presenting today. The terms of the proposed agreement were noted as follows:*

*Building will be leased in 'as is' condition*

*The historical society will use/maintain the property as a public historical display area and not as a residence*

*In the event the society makes improvements to the property, the improvements will comply with all applicable regulations/laws*

*Term if the lease is for five (5) years*

*Lease can be continued for an additional five (5) years*

*Either party has the ability to terminate the lease after six (6) months advance notice*

*The Society will pay the expense of any repairs to the building and repairs would be coordinated with the Madison County Administrator*

*Lease will also include the propane tank (behind the building) and the non-exclusive right to serve the property with the existing utilities, and the right to use the adjacent area for parking*

*Same insurance provisions will be used as what's used for the Kemper Residence*

*The society indemnifies the Board of any claims/liability that arise*

*The society can't assign or sublet the leases without prior written consent of the Board*

*Upon termination of the lease, all improvements made will revert to and be owned by the Board*

*In accordance with State law, the Circuit Judge has authority if he needs the property*

Additional comments were discussed (as proposed) by Max Lacy, between all parties involved in the construction of the document. In closing, he urged the Madison County Board of Supervisors and the Madison County Historical Society to approve the proposed lease agreement as presented.

Chairman Jackson opened the floor for public comment.

- 🚩 Max Lacy (President of MCHS): Thanked the County for the opportunity to utilize the old residence for historical purposes; also noted that the historical society would like to expand on what's already been done on the monument as a way to honor those folks that were displaced when the Shenandoah National Park was formed; advised that the residence will house copies and no original artifacts

- 🚩 Jim Lillard: Advised that the building will be manned whenever it's open to the public

With no further public comments, Chairman Jackson closed the floor of the public comment.

Supervisor Campbell moved that the Board approve the Lease Agreement between the Board of Supervisors of Madison County, Virginia and the Madison County Historical Society as presented, seconded by Supervisor McGhee.

Discussion:

- Supervisor Weakley: Verbalized appreciation to the historical society for all its endeavors

*Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

***c. Deed of Easement Between the Board of Supervisors of Madison County, Virginia and the Madison County Historical Society:***

The County Attorney advised that the proposed Deed of Easement reflects the Blue Ridge Heritage Monument, which is already in place. In order to do what's legally appropriate and allowed at the placement (of the monument):

- ✓ The County will allow an easement to the Madison County Historical Society
- ✓ The easement will cover the placement of the monument in its current location (Criglersville Elementary School property)
- ✓ The easement will also give non-exclusive access parallel to Route 670 for the public to go to the monument, and non-exclusive

Chairman Jackson opened the floor for public comment.

With no comments being brought forth, Chairman Jackson closed the floor.

Supervisor Campbell moved that the Board approve the Deed of Easement between the Board of Supervisors of Madison County, Virginia and the Madison County Historical Society, as presented, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

Mr. Lacy thanked the County for all of its support, and advised that all endeavors demonstrated by the Madison County Historical Society are going very well.

### **The Madison County Board of Supervisors returned to Old Business**

***b. Potential Meeting with the Madison Town Council:*** Supervisor Weakley advised that he is working with the town to hold a joint meeting sometime in October 2017; anticipates having an email out to the Board later this week.

***c. IT Managed Services – Quote #18392 (Madison County Wireless Support):*** The County Attorney advised that after review of the proposed quote, issues were noted that will need to be addressed; further consultation will be held with the County Administrator and Finance Director.

#### **Comments from the Board:**

- *Chairman Jackson: Noted that quote calls for managed network services only and doesn't involve computer hardware (previously authorized to be signed by the former County Administrator)*

The County Attorney advised that the original motion was to approve the quote subject his review and the review of the County Administrator. In closing, he recommended the Board not sign tonight's quote in its present format.

Supervisor Hoffman moved that the Board sign the proposed quote subject to review by the County Attorney and the County Administrator, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

Discussion:

➤ Supervisor Campbell: Suggested citizens not complain if they don't come to the meetings to state their concerns  
Clarissa Berry: Advised that her office and the Sheriff's office are not currently a part of the ANS email network service

- Supervisor Weakley: Noted That all departments need to be on the same email network

**d. Business in Brightwood:** Supervisor Campbell advised that weekend auctions are still taking place at a business in Brightwood without an approved special use permit, and that all businesses operating within an M1 zone require a special use permit; the current use will allow anyone to perform this type of business operation in any type of zone.

- *Supervisor Weakley: Verbalized concern that the proposed business is competing with other businesses that followed all County requirements*

The County Attorney advised that the Zoning Administrator has issued a letter to the business owner.

Discussions focused on the Article 20-203A of the County's Zoning Ordinance regarding Use – seasonal, brief, which was read as follows:

***'Use, Seasonal or Brief: A use or activity that occurs for a brief time, or that occurs at a seasonal time, and then ceases, including, but not limited to, private auctions, land sales, yard sales, tent events and horse shows. Such uses shall not exceed seventeen (17) cumulative days of use per calendar month. Seasonal or brief uses and activities are uses permitted by right in all zoning districts.'***

- *Chairman Jackson: Feels the definition is poorly defined and would like to revise the 'use'; suggested the Board request that the Madison County Planning Commission review the definition of 'use season brief' as noted in Article 20-203A and provide a recommendation*

The County Attorney explained a brief overview of the past procedures and restrictions that lead to the change in the definition of Article 20-203A (i.e. season/brief use), which were objected (by Plow & Hearth), and the Board eliminated those restrictions. He further advised that the Commission can elect to act of issues on its own; however, there are some provisions that allow the Madison County Board of Supervisors to direct the Commission to study certain matters. It was further noted that the provision was passes on behalf of Plow & Hearth, Inc., but it is a provision that applies to everybody in the County, as a provision can't be initiated to apply to only one individuals.

The County Attorney noted that when he and Betty Grayson, Zoning Administrator attempt to apply enacted guidelines in the County's Ordinances, application must be given to everyone.

Further comments focused on requirements of businesses located in a B1 zone, by right use vs 'by right' in all zoning districts. It was further noted that if a use isn't 'by right' and operations fall within the seventeen (17) day parameter, the use is 'by right' based on the current definition, which needs to be monitored a little closer.

Supervisor Weakley moved that the Board of Supervisors request that the Madison County Planning Commission be asked to review Article 20-203A which has to do with 'use, seasonal/brief usage', and provide a recommendation to the Madison County Board of Supervisors for consideration, seconded by Supervisor Hoffman.

*Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

## **11. Public Comment:**

Chairman Jackson opened the floor for public comment.

The following individuals provided comment(s):

- ✓ Robert Legge: Advised that the CSB met to discuss recruitment for a new Executive Director; 103 applications have been received for the vacancy, which have now been narrowed down to a small number; a vote is planned for December 2017; advised that Alta DeRue, Board Certified Addiction Specialist (employed by the Culpeper Hospital) will not be working at the Behavioral Health Clinic (currently serving 80 patients); improvements have been made to the Bridge's Day Support Center in Orange, Virginia at a cost of \$3,900,000.00 by use of a forty year (40) loan
- ✓ Supervisor Campbell: Thanked the Board for today's open discussion
- ✓ Eleanor Montgomery: Thanked the Board for keeping the meeting times in place to allow the citizens to attend
- ✓ Chairman Jackson: Verbalized favor of the Board hosting two (2) regular meetings

With no further comments being made, Chairman Jackson closed the public comment opportunity.

## **12. Information/Correspondence**

**County Website Update:** Supervisor McGhee questioned the revamping of the County's website

The Finance Director advised that the vendor is nearing the end of the design phase; some content of the old website has been transferred to the new website; anticipates that things will be in order within the next 7-10 days.

**Ameresco Proposal:** Chairman Jackson advised that a good session was held regarding the school's performance contract; noted that the proposal by Ameresco will focus on analyzing the following projects:

- ✓ Windows replacement at Wetsel Middle School
- ✓ HVAC replacement at the Madison Primary School

Further discussions involved:

- ✓ Remaining school CIP funding
- ✓ General fund balance
- ✓ Unassigned fund balance (schools)
- ✓ FY2014-FY2016 – has had a surplus each year (despite increased annual funding)
- ✓ CIP Committee meeting will need to be scheduled
- ✓

13. Closed Session (if needed) – None.

**14. Adjournment:**

With no further action being required, on motion of Supervisor Campbell, seconded by Supervisor Weakley, Chairman Jackson adjourned the meeting. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

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R. Clay Jackson, Chairman  
Madison County Board of Supervisors

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Clerk of the Board of the Madison County Board of Supervisors

Adopted on: September 26, 2017

Copies: R. Clay Jackson, Jonathon Weakley, Robert Campbell, Kevin McGhee, Charlotte Hoffman, V. R. Shackelford, III,  
Constitutional Officers

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**Agenda**  
**Regular Meeting (#1)**  
**Madison County Board of Supervisors**  
**Tuesday, September 12, 2017 at 4:00 p.m.**  
**County Administration Building, Auditorium**  
**414 N. Main Street, Madison, Virginia 22727**



Call to Order

*Pledge of Allegiance & Moment of Silence*

1. *Determine Presence of a Quorum / Adopt agenda*
2. *Public Comment*
3. *Constitutional Officers*
4. *County Departments*
5. *Committee/Organizations*
  - a. *VDOT – Joel DeNunzio, Residency Administrator*
6. *Finance*
  - a. *Claims for September 2017*
  - b. *Supplemental Appropriation(s)*

i. Madison Animal Shelter (Unspent Animal Donations from FY2017 Balance [#04\_09122017])

**7. Minutes**

a. #28 & #29

## **5:00 p.m. (or shortly thereafter)**

**8. Public Hearing Sessions:**

a. *Repeal Ordinance #2017-2 [Repeal Ordinance #2010-2 To Designate The Private Roads Within Malvern of Madison Subdivision As Highways for Law Enforcement Purposes]*

b. *Lease Agreement Between the Board of Supervisors of Madison County, Virginia and the Madison County Historical Society*

c. *Deed of Easement between the Board of Supervisors of Madison County, Virginia and the Madison County Historical Society*

**9. New Business:**

a. *County Reassessment Process – County Administrator*

**10. Old Business:**

a. *Update on Madison County Electoral Board – Letter of Correspondence (to the State)*

b. *Update on Potential Joint Meeting with the Madison Town Council*

c. *IT Managed Services – Quote 18392 (Madison County Wireless Support)*

**11. Public Comment**

**12. Information/Correspondence (if any)**

a. **Website Revamp**

b. **Ameresco Proposal (Schools)**

**13. Closed Session (if necessary)**

**14. Adjournment**

**Call to Order**

**Pledge of Allegiance & Moment of Silence**

1. **Determine Presence of a Quorum / Adopt agenda**
2. **Public Comment**
3. **Constitutional Officers**
4. **County Departments**
5. **Committee/Organizations**
  - a. **VDOT – Joel DeNunzio, Residency Administrator**

**6. Finance**

- a. *Claims for August 2017*
- b.

**7. Minutes**

a. # 25

**8. Old Business:**

- a. *Update on Easement for SNP Displaced Households Memorial*
- b. *Update on Criglersville Cottage Lease w/Madison Historical Society*
- c. *RRCBSB FY2018 Program Plan & Performance Contract [Resolution #2017-8]*
- d. *Update on Revocation of Law Enforcement Ordinance in Malvern [ID#2010-1]*
- e. *VACo Legislative Meeting – August 10, 2017*
- f. *Line of Credit Refinancing – Closing*

**9. New Business:**

- a. *ABC Building Lease Termination*
- b. *L S Industries Bond Estimate*
- c. *Shackelford – Discussion of Code Changes*
- d. *Weekend Auction Business Restriction (Brightwood, VA)*

**10. Public Comment**

11. Information/Correspondence (if any)

12. Closed Session: [Virginia Code Section 2.2-3711 (A)(1), pertaining to discussion, consideration or interviews of prospective candidates for County Administrator vacancy **and retirement benefits for retiring Administrator**] and Virginia Code Section 2.2-3711(A)(7) pertaining to consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the litigating posture of the public body]

13. Adjournment

**\*AMENDMENTS NOTED BY STRIKETHROUGH AND ROYAL BLUE WITH YELLOW HIGHLIGHT\***